

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ACTELION PHARMACEUTICALS LTD and
NIPPON SHINYAKU CO., LTD.,

Plaintiffs,

v.

ALEMBIC PHARMACEUTICALS LIMITED,
ALEMBIC PHARMACEUTICALS, INC.,
ZYDUS WORLDWIDE DMCC and
ZYDUS PHARMACEUTICALS (USA) INC.,

Defendants.

**Civil Action No. 1:20-03859
(RMB) (SAK)**

STIPULATION OF DISMISSAL AND ORDER

Plaintiffs Actelion Pharmaceuticals Ltd and Nippon Shinyaku Co., Ltd. (collectively, “Plaintiffs”) and Defendants Alembic Pharmaceuticals Limited and Alembic Pharmaceuticals, Inc. (collectively, “Alembic” or “Defendants”) by their undersigned counsel, stipulate and agree, subject to the approval of the Court, as follows:

WHEREAS, Alembic has filed Abbreviated New Drug Application (“ANDA”) No. 214414 with the United States Food and Drug Administration seeking approval to make and sell selexipag tablets, 200 mcg, 400 mcg, 600 mcg, 800 mcg, 1400 mcg and 1600 mcg (“Alembic’s ANDA products”) prior to the expiration of U.S. Patent Nos. 8,791,122 (“the ’122 patent”) and 9,284,280 (“the ’280 patent”); and

WHEREAS, on April 9, 2020, Plaintiffs filed suit against Alembic alleging that submission of ANDA No. 214414 and/or the sale and use of Alembic’s ANDA products

constitute and/or induce or contribute to acts of infringement under 35 U.S.C. §§ 271 (a), (b), (c), and (e)(2);

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. Pursuant to Rule 41(a) and 41(c) of the Federal Rules of Civil Procedure, all claims, counterclaims, and defenses as between Plaintiffs and Alembic concerning the '122 and '280 patents are dismissed without prejudice, and each party shall bear its own costs and attorney fees with respect to the '122 and '280 patents;
2. The case caption should be amended to remove Alembic as a named party to Civil Action No. 1:20-cv-03859 (RMB) (SAK).

STIPULATED AND AGREED TO BY:

s/ Keith J. Miller

Keith J. Miller
ROBINSON MILLER LLC
Ironside Newark
110 Edison Place, Suite 302
Newark, NJ 07102
(973) 690-5400
KMiller@rwmlegal.com

*Attorneys for Plaintiffs
Actelion Pharmaceuticals Ltd
and Nippon Shinyaku Co., Ltd.*

Of Counsel:

Bruce M. Wexler
Preston K. Ratliff II
Aaron P. Selikson
Mi Zhou
Mark Russell Sperling
PAUL HASTINGS LLP
200 Park Avenue
New York, NY 10166
(212) 318-6000

*Attorneys for Plaintiffs
Actelion Pharmaceuticals Ltd
and Nippon Shinyaku Co., Ltd.*

s/ Gregory D. Miller

Gregory D. Miller
Gene Y. Kang
RIVKIN RADLER LLP
25 Main Street, Suite 501
Court Plaza North
Hackensack, NJ 07601
(201) 287-2460
gregory.miller@rivkin.com
gene.kang@rivkin.com

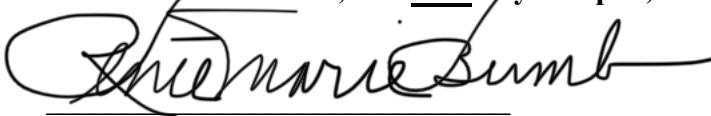
*Attorneys for Defendants
Alembic Pharmaceuticals Limited
and Alembic Pharmaceuticals, Inc.*

Of Counsel:

Elham Firouzi Steiner
Katherine Pappas
WILSON SONSINI GOODRICH & ROSATI
12235 El Camino Real
San Diego, CA 92130
(858) 350-2300

*Attorneys for Defendants
Alembic Pharmaceuticals Limited
and Alembic Pharmaceuticals, Inc.*

IT IS SO ORDERED, this 28th day of April, 2021



The Honorable Renée Marie Bumb
United States District Judge